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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10642834	08/18/03		13898 B

Charles E. Baxley, Esquire
90 John Street, Third Floor
New York, New York 10038

Date Mailed: January 11, 2006

DENIAL OF REQUEST FOR REFUND

Your refund request dated 09/14/05 for the amount of \$625.00 in the above-identified application is acknowledged. However, this request cannot be granted for the reason specified below.

- ☐ Refund based upon subsequent establishment of small entity status: A refund based on establishment of small entity status may be granted only if a written assertion of entitlement to small entity status under 37 CFR 1.27 and a request for refund of the excess amount are filed within three months of payment and of the fee (37 CFR 1.28). Three-month period for establishing small entity status and requesting a refund has expired.
- ☐ Refund of application filing or petition fee: Filing fees paid for an application that is entitled to a filing date and required petition fees are not fees paid by mistake or in excess. If an application is not entitled to a filing date and proceedings are terminated on the application, any filing fees (less the \$130 handling fee) will be refunded (37 CFR 1.53(e)(3)).
- ☐ Refund of overpayment: There was no overpayment made by applicant. All fees were calculated and assessed properly.
- ☐ The payment for which the refund is requested has not been applied to the application. The payment check was returned to applicant for the following reason:
 - ☐ Not filled out properly. (See attached copy of notice.)
 - ☐ Not made payable in U.S. funds.
 - ☐ No explanation was given as to purpose.
 - ☐ Payment was previously received and applied by Office.
 - ☐ Check was returned by bank for insufficient funds.

****Any request for reconsideration or review of this decision must be by way of a petition filed within two months of this decision, which decision must set forth with particularity why a refund is due (see 37 CFR 1.181(b) and (f)).**

Please contact Customer Service at (571) 272-4000 for any inquiries regarding this decision.



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The fees were charged correctly according to the fee due at that time. Money was refunded to your deposit account on June 03, 2005

Eleanor F. Kurtz
Office of Initial Patent Examination



13898 B
CEB:lp
31 May 05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

-----X
Applicant : Lai Chun CHI :
Assignee : Basso Industry Corp. :
Serial No. : 10/642,834 :
Filed : August 18, 2003 :
For : APPARATUS FOR ADJUSTING WIDTH OF DRIVE :
CHANNEL OF NAILER :
Art Unit : 3721 :
Examiner : Nathaniel C. CHUKWURAH :
-----X

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313 - 1450

ATTENTION: MAIL STOP - FEE RESPONSE

*See corrections
on page 2 hereof.*

**REQUEST FOR CORRECTION OF SMALL ENTITY
STATUS UNDER 37 CFR 1.128(c) AND ACCEPTANCE
OF DEFICIENCY PAYMENT**

Dear Sir:

In connection with the above referenced United States Patent Application, Applicant
erroneously and in good faith claimed Small Entity status and paid corresponding Small Entity

MAILING CERTIFICATE

I hereby certify that this correspondence is being
deposited with the United States Postal Service as
First Class Mail in an envelope addressed to:
ATTENTION: MAIL STOP - FEE RESPONSE,
Commissioner for Patents, P.O. Box 1450,
Alexandria, Virginia 22313 - 1450 on the date
indicated below:

Charles E. Baxley
Attorney's Name

Charles E. Baxley
Signature

May 31, 2005
Date

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Fees itemized below. Applicant and Assignee hereby request that its status be amended to "Large Entity".

Basso Industries Corp became Large Entity on June 30, 2004.

Fee Type	Date Paid	Erroneous Fee Payment	Current Fee for Large Entity	Deficiency Amount
Basic statutory filing fee	February 25, 2005 <i>August 18, 2003</i>	\$375.00 <i>← PRIOR TO June 30, 2004</i>	\$1,000.00	\$625.00
Issue Fee	April 8, 2005	\$700.00	\$1,400.00	\$700.00
Publication Fee	April 8, 2005	\$300.00	None	None

paid by mistake

Should have been

Accordingly a check in the amount of ~~One Thousand Three Hundred Twenty Five~~ *Seven Hundred* ~~(\$1,325.00)~~ *700.00* Dollars is enclosed herewith to pay the difference for a Large Entity Filing *Issue and Publication*

Fee along with a copy of the Filing receipt.

The commissioner is authorized to credit any overpayment or debit any deficiency to Deposit Account 02-1435.

Refund of \$625.00 should be paid to Attorney's Deposit Account 02-1435
Charles E. Boxley
Attorney of Record

Courtesy and cooperation of the Patent and Trademark Office hereon are acknowledged and appreciated.

Respectfully,

BY: 

CHARLES E. BAXLEY
Attorney of Record
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New York, New York 10038
Telephone (212) 791-7200
Facsimile (212) 791-7276
E-mail ceb@hartbaxley.com

CEB:lp/13898 B

Enclosure: Copy of Filing Receipt; and
Check in the amount of \$1,325.00

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DEP & REF

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

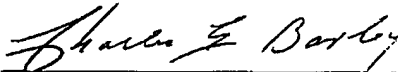
Applicants : Lai Chun CHI 2005 SEP 20 AM 10:41 Docket Number : 13898 B
Serial No. : 10/642,934 Examiner : Nathaniel C. CHUKWURAH
Filed : August 18, 2003 PATENT & TRADEMARK Art Unit : 3721
For : **APPARATUS FOR ADJUSTING WIDTH OF DRIVE CHANNEL OF NAILER**

Transmitted herewith is/are the following:

- ☒ REQUEST FOR REFUND OF OVERPAYMENT w/MAILING CERTIFICATE
- ☒ REQUEST FOR CORRECTION OF SMALL ENTITY STATUS UNDER 37 CFR 1.128(c) AND ACCEPTANCE OF DEFICIENCY PAYMENT w/MAILING CERTIFICATE
- ☒ Other Acknowledgment Postcard
- ☒ The Commissioner is authorized to charge any additional fees required, or to credit any overpayment to Account No. 02-1435. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$___ is enclosed.
- ☒ I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop No Fee Submission, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 12, 2005.

Respectfully,

Dated: September 12, 2005
CHARLES E. BAXLEY, ESQUIRE
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CHARLES E. BAXLEY
Attorney of Record
USPTO REG. 20,149

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